

Chevy Chase Village Board of Managers' Meeting

May 9, 2016

Note: These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance.

BOARD OF MANAGERS

Michael L. Denger, Chair	Present
Elissa A. Leonard, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Absent
Minh Le, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting & Code Enforcement Coordinator	Present
Melissa Wiak, Community Liaison/Administrative Assistant	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Mr. Denger, Chair of the Board of Managers, called the meeting to order at 7:24 p.m. Mr. Goodwin was absent. Mr. Winstead arrived at 7:29 p.m.

Mr. Denger stated that the Village Board had met in closed session prior to the regular meeting pursuant to Section 10-508(a) (4) and (7) of the General Provisions Article, Annotated Code of Maryland, to discuss negotiations with the owner with respect to proposed modifications at the Chevy Chase Center site and related site plan amendments and to receive legal advice with respect to the negotiations and the Montgomery County Planning Board process and other zoning matters. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda and Ms. Le were in attendance along with Ms. Davis-Cook and Ms. Ferguson. Chief Fitzgerald was also in attendance for a portion of the closed meeting. Mr. Denger stated that no actions were taken by the Board during the closed session.

Approval of Minutes from the Board's Executive Session Meeting held on April 11, 2016

Minutes of the Board's executive session meeting held on April 11, 2016 were circulated to the Board prior to the meeting. *Ms. Leonard moved to approve the minutes of the Board of Managers' executive session held on April 11, 2016.* Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, and Ms. Le voted in favor of the motion. The motion passed.

Approval of Minutes from the Board's Regular Meeting held on April 11, 2016

Minutes of the Board's regular meeting held on April 11, 2016 were circulated to the Board prior to the meeting. *Ms. Leonard moved to approve the minutes of the Board of Managers' regular monthly meeting held on April 11, 2016.* Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, and Ms. Le voted in favor of the motion. The motion passed.

Variance and Special Permit Requests:

- **A-6896 (Retroactive Variance Request): Mr. Ioannis & Ms. Christina Kessides, 207 Primrose Street**

Maintain:

- a) an areaway roof cover which has been constructed and which encroaches a maximum of one foot, eight and one-half inches (1'-8 ½") into the seven (7) foot side (north) yard setback; and
- b) a roof overhang extending from the rear porch which has been constructed and which encroaches a maximum of six (6) inches into the seven (7) foot side (north) yard setback.

Ms. Le moved to approve the Variance request in Case A-6896 (a) and (b) on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions approving the Variance request. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- **A-6932 (a) & (b) (Variance Request): Mr. Frank H. & Ms. Cathryn McCulloch, 5604 Kirkside Drive**

Construct:

- a) an expanded portico, which would encroach a maximum of five feet, five inches (5'-5") forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line (BRL). The proposed portico would be eleven (11) inches wider than the existing portico, which presently encroaches three feet, nine and one-quarter inches (3'-9 ¼") forward of the front BRL; and

Mr. Crockett moved to approve the Variance request in Case A-6932 (a) on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the Variance request. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- b) an expanded front stoop and steps, which would encroach a maximum of nine (9) feet forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line. The proposed stoop would be nine (9) inches wider than the existing stoop and the proposed

steps would be two feet, eleven inches (2'-11") wider than the existing front steps, which presently encroach a maximum of six feet, ten and one-quarter inches (6'-10 ¼") forward of the twenty-five foot front BRL.

Mr. Crockett moved to approve the Variance request in Case A-6932 (b) on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the Variance request. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

Public Comments on Proposed Redesign of Chevy Chase Center

Mr. Denger stated that following the public information meeting held in the Village Hall on May 2, 2016, the Village had circulated a questionnaire seeking residents' comments on various aspects of the proposed redesign of Chevy Chase Center and *The Collection*. On May 5, the questionnaire was emailed to all residents who had registered their email address with the Village and mailed to all remaining residents, and the questionnaire had been posted to the Village website. Mr. Denger advised that as of 4:00 that afternoon, a total of 130 questionnaires had been returned. Mr. Denger read a summary of the results of the returned questionnaires, which primarily reflected the community's concerns with the impacts that public parking and a pedestrian crossing would have on traffic flows, pedestrian and vehicular safety along westbound Wisconsin Circle, the proposed reduction of surface-level parking within the property, and pedestrian safety along the Montgomery Street side of the property. Mr. Denger also announced that earlier in the day, Chevy Chase Land Company (the Land Company) officials had removed from their application a request for elimination of a site condition that requires the property owners to maintain a minimum 30,000 square foot grocery store.

Diane Kartalia (Grove Street) and Cindy Anderson (Montgomery Street) each stressed concerns regarding aspects of the proposed changes along Wisconsin Circle including the introduction of public parking along the curb lane of the westbound side and a mid-block pedestrian crossing, the ramp for which would extend into the curb lane; the transition to two-way traffic along the westernmost interior street on the property, the reduction of surface-level parking within the property and the continued lack of pedestrian access into the Giant store directly from Western Avenue and from Wisconsin Circle. Discussion followed. No action was taken by the Board.

The Board indicated that it would seek to hire a traffic engineer to review the Land Company's final proposed plans (following their review of the concerns raised regarding pedestrian safety along the Montgomery Street side of the property) to further analyze the project for pedestrian and vehicular safety. The Board would seek to have this review paid for by the Land Company.

Treasurer's Report

The Treasurer's Report was distributed to the Board and posted to the Village website prior to the meeting. *No formal action was taken by the Board.*

Matters Presented for Board Discussion and Possible Action (where required)

Landscape Plan for Betty English Garden

The proposed landscape plan for the Betty English Garden along with a copy of the merit award issued to the garden by the Montgomery County Department of Transportation under its “Keep Montgomery County Clean and Green Annual Beautification Awards Competition” were distributed to the Board and posted to the Village website prior to the meeting.

Ms. Le moved to approve the proposed plan for the Betty English Garden as proposed. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

Commission and Committee Reports

Financial Review Committee

- Board appointment of Brian Christaldi (Oliver Street) as a member

Mr. Crockett moved to appoint Brian Christaldi (Oliver Street) as a member of the Financial Review Committee. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The motion passed.

Tree Ordinance Board

- Board appointment of Elizabeth Tyndall (East Melrose Street) as a member to serve a three-year term ending in April of 2019.

Ms. Leonard moved to appoint Elizabeth Tyndall (East Melrose Street) as a member to serve a three-year term ending in April of 2019. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- Board appointment of Aaron Kramer (West Irving Street) as an alternate member to serve a two-year term ending in April of 2018.

Ms. Leonard moved to appoint Aaron Kramer (West Irving Street) as an alternate member to serve a two-year term ending in April of 2018. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- Board appointment of Susan Kirby (East Lenox Street) as an alternate member to serve a one-year term ending in April of 2017.

Ms. Leonard moved to appoint Susan Kirby (East Lenox Street) as an alternate member to serve a one-year term ending in April of 2017. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

Police Report

The Police Report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

Manager's Report

The Manager's Report was circulated to the Board prior to the meeting. *No formal action was taken by the Board.*

Adjournment

Mr. Crockett moved to adjourn the meeting. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The meeting adjourned at 8:13 p.m.

Attested by: Shana Davis-Cook, Village Manager

Final.